C.F. (100)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4416 2004

PETITIONER

Ku. Ruhi Anjum D/o Shri Rashid Khan aged about 19 years, Resident of Raja Talab Raipur, Dist. Raipur C.G.)

VERSUS

RESPONDENTS.

1. The State of C.G. through Secretary Department of Health Falily Welfare (including medical education) D.K.S. Bhawan Mantralaya, Raipur (C.G.

2. The director of Medical Education State of Chhattisgarh D.K.S. Bhawan Mantralaya, Raipur (C.G.)

3. The Dean Government Dental College, Near Science College G.E. Road, Raipur (C.G.)

4. The Dean Chhattisgarh Dental College and Research Institute Rajnandgaon, Dist.Rajnandgaon (C.G.)

P.R. No. 4402/04
Presented by Shri ...
Dated 9/11/04

9/11/04

WRIT PETITION UNDER ARTICLE 226/227 OF THE COUNSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CEERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERES:

(56)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...m.P.NO. 4416/04... **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	7-1-2005	

On a mention being made, the matter is taken up for hearing.

Shri R. S. Patel, counsel for the petitioner.

Shri N.K. Agrawal, Deputy Advocate General for the State /respondents 1 to 3.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India being aggrieved by the action of respondent No.3 whereby respondent No.3 refused to admit the petitioner in Dental College, Raipur on the ground that at the time of counseling the petitioner was not in possession of the original testimonials regarding her educational qualification.

Brief facts leading to filing of this writ petition are that the petitioner appeared in the Pre-Medical Test, 2004 conducted by the respondent/State. The petitioner cleared the aforesaid P.M.T. test with regard to her admission to the Dental College and Research Institute, Rajnandgaon. In the month of August, 2004 she took admission in the Dental College and Research Institute. In the meantime, an advertisement was issued by respondent No.2 that all the candidates who are desirous and qualified for such admission to the Dental College in the first year of B.D.S. course should approach the respondent No.3 for admission and counseling and the said notice was issued on 27-9-2004. In response to the said advertisement the

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

petitioner purchased the prospectus from respondent No.3 and the petitioner appeared for counseling before respondent No.3. However, on the date of counseling respondent No.3 asked the petitioner to produce original testimonials to which the petitioner replied that her original testimonials have been deposited with respondent No.4 where the petitioner has already taken admission and certificate to that effect (Annexure-P/3) was also shown to respondent No.3, but even then respondent No.3 refused to admit the petitioner as the petitioner on the date of counseling was not able to produce original testimonials.

I have heard learned counsel for the parties.

Learned counsel for the petitioner submitted that as original testimonials were with respondent No.4 and certificate to that effect was also produced by the petitioner, in that situation respondent No.3 ought to have allowed reasonable time to the petitioner to produce that certificate, but in an arbitrary manner respondent No.3 refused to admit the petitioner.

On the other hand, Shri N.K. Agrawal, learned Deputy Advocate General submitted that in the first instance it was the pre-requisite condition that the candidate seeking admission in the Dental College was required to produce original testimonials without which no candidate was entitled for admission. He further submitted that the petition filed by the petitioner is liable to be dismissed on the ground

GI. PRJ—FS/350—12/2000—50,000.

(58)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

of latches also because the counseling was conducted on 29th September 2004 whereas, the petitioner filed this petition on 9-11-2004 and by that time all the admissions were already complete and as per the decision of Hon'ble Supreme Court in the matter of Madhu Singh mid session admissions are not permissible.

In my opinion, this petition is liable to be dismissed on the ground of latches only for the reason that counseling was conducted on 29th September 2004 and this petition was filed after all the admissions were complete, that too after about one month and ten days and by now almost 3 months have elapsed since beginning of course, therefore, mid session admission is not permissible in view of Madhu Singh's case.

In the result, the petition is liable to be dismissed and it is accordingly dismissed. Cost is made easy.

Sd/-
L.C.BHADOO
Judge

Barve

29/11/05